

Employment and Staffing

Superior/Special Qualifications Appointments

Summary of Changes. This regulation establishes policies, responsibilities, and procedures governing the use of Superior Qualifications Appointments in the California National Guard Military Technician program. This regulation replaces the TPM, Chapter 4, paragraph 4-16, dated March 2000, in its entirety.

Applicability. California National Guard Full-time Personnel Regulation (CNGFPR) applies to all California Army and California Air National Guard technicians and to commanders, managers and supervisors (military or civilian) with authority or responsibility over technician personnel management.

Proponent and Exception Authority. The proponent of this regulation is the Joint Force Headquarters, J-1, Directorate for Human Resources. The proponent has authority to approve exceptions to this regulation when they are consistent with controlling laws and regulations.

Supplementation. Supplementation of this regulation is prohibited.

Suggested Improvements. Users of this regulation are invited to send comments and suggested improvements to Joint Forces Headquarters, Directorate for Human Resources, 9800 Goethe Road, Sacramento, CA 95826-9101.

Distribution. Distribution of the regulation is Army - A and Air Force - F.

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1. Purpose.

This technician personnel regulation establishes policies, responsibilities, and procedures governing the use of Superior/Special Qualifications Appointments for the California National Guard military technician program.

2. References.

5 USC 5333, 5 CFR 531.203 and 532.403

3. Definitions.

Advanced Rates. Approval or consideration of a salary higher than the step 1 of the positions grade. Also known as Advanced-in-Hire Rate.

Maximum Payable Rate. The highest amount at which an employee's pay may be set within the appropriate pay scale (step 5 for Federal Wage System employees and step 10 for General Schedule employees).

Minimum Rate. The lowest amount at which an employee's pay may be set within the appropriate pay scale (Step 1).

New Appointment. The first appointment, regardless of tenure, as an employee of the Federal Government; or an appointment as an employee of the Federal Government following a break in service of at least 90 days from the candidate's last Federal employment.

Special Needs. Directly based on the type and quality of Knowledge, Skills, and Abilities that the California National Guard could not otherwise obtain.

Special Needs Appointment. An appointment made at a rate above the minimum rate of the appropriate General Schedule under authority of 5 USC 5333, because of a special need of the agency for the candidates services.

Special Qualifications. Directly based on the relevance of the candidates experience to the particular work he/she will do.

Special Qualifications Appointment. An appointment made at a rate above the minimum rate of the appropriate Federal Wage System schedule at a rate above the minimum rate for the appropriate grade in recognition of appointees' special qualifications.

Superior Qualifications. Based either on the relevance of the candidates experience and education to the particular work he/she will do, or on the quality of the candidate's accomplishments compared to others in the same field.

Superior Qualifications Appointment. An appointment made at a rate above the minimum rate of the appropriate General Schedule grade under authority of 5 USC 5333, because of the superior qualifications of the candidate.

4. New Appointments.

Except as provided in paragraph 5 and paragraph 6 of this regulation or in the application of Highest Previous Rate (see CNG FPR 530), a new appointment is made at the minimum rate of the appropriate grade.

5. Superior Qualifications/Special Need Appointments.

The California National Guard may make an appointment for positions covered under the General Schedule (GS) at a rate above the minimum rate for the appropriate grade in recognition of an appointee's superior qualifications.

a. Superior Qualifications Appointments may be made by new appointment or by reappointment except that when made by reappointment, the candidate must have a break in service of at least 90 calendar days from his or her last period of Federal employment.

b. In determining whether an employee should receive a superior qualifications appointment and, if so, at what level the employee's pay should be set, the supervisor must consider the possibility of authorizing a recruitment incentive.

6. Special Qualifications Appointment.

The California National Guard may make a new appointment for positions covered under the Federal Wage System (FWS) at a rate above the minimum rate for the appropriate grade in recognition of appointee's' special qualifications.

7. Basic Eligibility Criteria for Superior Qualifications/Special Need/Special Qualification Appointments.

a. Technicians hired at advanced rates under this authority must be entering the federal service for the first time or returning to federal service after a break in service of 90 days or more.

b. Technicians hired at advanced rates must have unusually high qualifications for the particular position and be forfeiting income that would otherwise justify a salary above the base pay grade or have a unique combination of education and experience that meets a special need of the California National Guard.

c. Advanced rates may not exceed a candidate's forfeited income by more than 20%. Use of this authority will not exceed the top step of the grade of the appointment position (maximum payable rate rule applies).

d. Use of these appointment authorities is not appropriate and cannot be used for:

(1) Positions which provide administrative/clerical support (administrative/clerical support is defined as occupational series which are single grade interval, i.e. GS-5/6/7).

(2) Lack of high quality candidates.

e. These appointments may not be based on National Guard Title 10 (STAT Tour) or National Guard Title 32 (Active Guard Reserve) employment.

f. Requests will not be considered after the technician has been appointed (an exception to this policy may not be granted).

8. Determination of Superior Qualifications (GS only).

Superior qualifications are based either on the relevance of the candidates experience and education to the particular work he/she will do; or on the quality of the candidates accomplishments compared to others in the field. To determine what would be expected of any well-qualified candidate and what would make a candidate superior, an absolute standard will not be applied but will consider the overall quality of the available candidates and the particular requirements of the position being filled. If many candidates show high-level experience or education directly pertinent to the position, a superior candidate might be expected to demonstrate an outstanding reputation in the field through publications, lectures, or leadership roles in professional organizations. On the other hand, when there is a shortage of qualified candidates for a position, a basically qualified candidate may be found superior without having unusual accomplishments. This is based on finding that he/she is better able to perform the needed work than other candidates who were recruited are or who could be reasonably be expected to respond to renewed recruiting efforts.

9. Determination of Special Need (GS only).

The candidate needs to bring to the position a type or quality of Knowledge, Skills, and Abilities that the California National Guard could not otherwise obtain. The position being filled must be directly related to the mission or program goals.

10. Determination of Special Qualifications (FWS only).

Special Qualifications must be directly based on the relevance of the candidates experience to the particular work he/she will do. The position being filled must also be directly related to mission goals of the organization.

11. Justification and Documentation Requirements.

The following documentation is required with the initial appointment request and for the Directorate for Human Resources to approve a Superior Qualifications/Special Needs/Special Qualifications appointment:

- a. The CNG 690-8, Request for Advanced-in-Hire Rate.
- b. Supervisors/Managers certification in writing that the candidate meets the basic eligibility requirements as well as the requirements for Superior Qualifications, Special Needs, or Special Qualifications.
- c. Documentation that the candidate will be forfeiting income that would justify a salary above the base pay for the grade (verification of candidates' income i.e. Leave and Earning Statement or W-2).
- d. Description of the recruiting efforts (if vacancy announcement is not used).
- e. A copy of the technician vacancy announcement and a copy of each eligible candidate's application (if position is filled by vacancy announcement).
- f. Description of the qualification standards used, evaluation criteria, and how candidates compared against the criteria to determine superior qualifications.
- g. Description of the consideration of a Recruitment Incentive, and why a Recruiting Incentive was or was not paid (required by 5 CFR 531.203b(3)).

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